

ASSEMBLY BILL

No. 789

Introduced by Assembly Member Chesbro

February 17, 2011

An act to amend Section 42885.5 of, and to add and repeal Section 42872.5 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 789, as introduced, Chesbro. Solid waste: tire recycling.

The California Tire Recycling Act imposes a California tire fee on a new tire purchased in the state. The revenue generated from the fee is deposited in the California Tire Recycling Management Fund for expenditure, upon appropriation by the Legislature, for the purposes of programs related to waste tires, including grants to local entities involved in activities that result in reduced landfill disposal of used whole tires. The act requires the Department of Resources Recycling and Recovery to adopt a 5-year plan, which is to be updated biennially, to establish goals and priorities for waste tire programs.

This bill would require the department to provide outreach to local agencies regarding a program it may establish under existing law to award grants to cities, counties, and other local government agencies for the funding of public works projects that use waste tires in public works projects, as provided. The bill would prohibit the amount appropriated from the fund for this purpose from being less than 16% of the amount of the funds appropriated for market development and new technology activities for used tires and waste tires.

The bill would make the public works waste tire grant program inoperative on June 30, 2015, and would repeal the provision authorizing

this program on January 1, 2016. The bill would also make conforming changes with regard to the department's 5-year plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42872.5 is added to the Public Resources
2 Code, to read:

3 42872.5. (a) (1) In addition to the purposes listed in Section
4 42872, the tire recycling program may include the awarding of
5 grants to cities, counties, and other local government agencies for
6 the funding of public works projects that use rubberized asphalt
7 concrete. In addition to the factors listed in Sections 42874 and
8 42875, the department may award a grant for a public works project
9 that uses rubberized asphalt concrete if the project will use at least
10 1,250 tons of rubberized asphalt concrete during the life of the
11 project and will use 20 pounds or more of crumb rubber per ton
12 of rubberized asphalt concrete.

13 (2) The department shall annually determine the amount of a
14 grant to be awarded pursuant to this section, based on the per ton
15 amount of rubberized asphalt concrete to be used in the project.

16 (3) The department shall not award a grant amount pursuant to
17 this section that exceeds two hundred fifty thousand dollars
18 (\$250,000).

19 (b) The grants described in subdivision (a) shall be funded by
20 an appropriation in the annual Budget Act from the California Tire
21 Recycling Management Fund established pursuant to Section
22 42885. To the extent possible, depending on the number of
23 qualified applications and whether there is a sufficient supply of
24 crumb rubber materials, funds appropriated pursuant to this section
25 shall not be less than 16 percent of the funds appropriated pursuant
26 to this chapter for market development and new technology
27 activities for used tires and waste tires.

28 (c) In order to provide outreach to local agencies regarding the
29 use of rubberized asphalt concrete in public works projects, all of
30 the following shall occur:

31 (1) The department shall create, annually update, and post on
32 its Internet Web site a database of public works projects that

1 include rubberized asphalt concrete that were completed by local
2 agencies receiving grants for purposes of this section.

3 (2) The Department of Transportation shall post on its public
4 Internet Web site data and descriptions regarding state public works
5 projects using rubberized asphalt concrete.

6 (3) The department shall post on its public Internet Web site a
7 link to the data and descriptions provided under paragraph (2).

8 (4) The department shall provide technical support to local
9 agencies on the design and application for rubberized asphalt
10 concrete.

11 This section shall become inoperative on June 30, 2015, and, as
12 of January 1, 2016, is repealed, unless a later enacted statute, that
13 becomes operative on or before January 1, 2016, deletes or extends
14 the dates on which it becomes inoperative and is repealed.

15 SEC. 2. Section 42885.5 of the Public Resources Code is
16 amended to read:

17 42885.5. (a) ~~The board~~ *department* shall adopt a five-year
18 plan, which shall be updated every two years, to establish goals
19 and priorities for the waste tire program and each program element.

20 (b) On or before July 1, 2001, and every two years thereafter,
21 ~~the board~~ *department* shall submit the adopted five-year plan to
22 the appropriate policy and fiscal committees of the Legislature.
23 ~~The board~~ *department* shall include in the plan, programmatic and
24 fiscal issues including, but not limited to, the hierarchy used by
25 ~~the board~~ *department* to maximize productive uses of waste and
26 used tires, and the performance objectives and measurement criteria
27 used by ~~the board~~ *department* to evaluate the success of its waste
28 and used tire recycling program. Additionally, the plan shall
29 describe each program element's effectiveness, based upon
30 performance measures developed by ~~the board~~ *department*,
31 including, but not limited to, the following:

32 (1) Enforcement and regulations relating to the storage of waste
33 and used tires.

34 (2) Cleanup, abatement, or other remedial action related to waste
35 tire stockpiles throughout the state.

36 (3) Research directed at promoting and developing alternatives
37 to the landfill disposal of waste tires.

38 (4) Market development and new technology activities for used
39 tires and waste tires.

40 (5) The waste and used tire hauler program and manifest system.

1 (6) A description of the grants, loans, contracts, and other
2 expenditures proposed to be made by the ~~board~~ *department* under
3 the tire recycling program.

4 (7) Until June 30, ~~2010~~ *2015*, the grant program authorized
5 ~~under pursuant to~~ Section 42872.5 to encourage the use of
6 rubberized asphalt concrete technology in public works projects.

7 (8) Border region activities, conducted in coordination with the
8 California Environmental Protection Agency, including, but not
9 limited to, all of the following:

10 (A) Training programs to assist Mexican waste and used tire
11 haulers to meet the requirements for hauling those tires in
12 California.

13 (B) Environmental education training.

14 (C) Development of a waste tire abatement plan, with the
15 appropriate government entities of California and Mexico.

16 (D) Tracking both the legal and illegal waste and used tire flow
17 across the border and recommended revisions to the waste tire
18 policies of California and Mexico.

19 (E) Coordination with businesses operating in the border region
20 and with Mexico, with regard to applying the same environmental
21 and control requirements throughout the border region.

22 (F) Development of projects in Mexico in the California-Mexico
23 border region, as defined by the La Paz Agreement, that include,
24 but are not limited to, education, infrastructure, mitigation, cleanup,
25 prevention, reuse, and recycling projects, that address the
26 movement of used tires from California to Mexico that are
27 eventually disposed of in California.

28 (c) The ~~board~~ *department* shall base the budget for the California
29 Tire Recycling Act and program funding on the plan.

30 (d) The plan ~~may~~ *shall* not propose financial or other support
31 that promotes, or provides for research for, the incineration of tires.